



DATE: June 13, 2013

TO: Washington State Board of Health Members

FROM: Environmental Health Committee
Keith Grellner, Chair

SUBJECT: PROPOSED UPDATE OF SHELLFISH RULE:
MINIMUM PERFORMANCE STANDARDS, WAC 246-282-005

Background and Summary:

The Washington State Board of Health has authority under chapter 69.30 RCW to adopt rules controlling the sanitary growing and distribution of molluscan shellfish. These rules have historically referenced United States Food and Drug Administration (FDA) standards called the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish (the NSSP Guide). The NSSP Guide constitutes a national consensus code developed by the FDA in conjunction with shellfish-producing and receiving states and representatives of the molluscan shellfish industry through the Interstate Shellfish Sanitation Conference. The Board has adopted previous versions of the NSSP Guide by reference in WAC 246-282-005, the last being the 2009 version. In 2011, the law (RCW 69.030.030) changed to specifically require the Board to consider the most recent edition of the national standards when adopting rules.

The FDA recently published the 2011 version of the NSSP Guide. The Department of Health is requesting the Board delegate its rule making authority to update WAC 246-282-005 accordingly. This delegation would be limited to updating the rule to reference the 2011 edition of the NSSP Guide, without changes. Adoption of the latest version of this national consensus code will ensure that molluscan shellfish growers in Washington State may continue to ship their products in interstate commerce. It should not be controversial. These conditions meet the criteria set in Board policy 2000-001, Considering Delegation of Rules to the Department of Health.

Kelly Cooper, acting Department of Health Policy Director, is here to answer any questions about this request for delegation. Please refer to materials behind Tab 12 in your packets.

Recommended Board Action:

The Environmental Health Committee recommends the Board adopt the following motion:

The Board delegates to the Department of Health authority to adopt a revision to WAC 246-282-005 for the purpose of referencing the most current version of the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish, the 2011 edition.

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